

REMARKS

**Status of Claims**

By way of the instant amendment, claims 7 and 10 have been canceled. Thus, claims 1-6, 8-9 and 11-18 remain for examination.

**Prior Art Rejection**

Claims 1-18 stand rejected under 35 USC 103(a) as being unpatentable over applicant's admitted prior art in view of Kawata (6,076,171).

The Examiner's objections are respectfully traversed.

In order to better differentiate applicant's invention from the applied prior art, applicant has incorporated the subject matter of claim 10 and claim 7 into claim 1. Thus, claim 1, as now amended, recites that the electronic apparatus further comprises an information processing section on which one of a plurality of programs runs to generate a corresponding function and, wherein the plurality of programs includes a brightness designation program, wherein the backlighting control section controls brightness of the backlighting section depending on a designated brightness level obtained by running the brightness designation program on the information processing section.

Independent method claim 16 contains similar recitations set forth in method format.

It is submitted that applicant's admitted prior art taken either singly or in combination with Kawata does not disclose nor make obvious applicant's invention as now recited. Indeed, the detail Office Action does not specifically mention claim 10 at all, and applicant notes that Kawata fails to disclose any brightness designation program as recited in applicant's claims. As such, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 USC 103.

**Conclusions**

In view of the amendments made hereto and the arguments set forth above, it is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

4-2-04

By

David A. Blumenthal

FOLEY & LARDNER

Customer Number: 22428

Telephone: (202) 672-5407

Facsimile: (202) 672-5399

David A. Blumenthal

Attorney for Applicant

Registration No. 26,257